

From: mail@grsummers.com@inetgw
To: Microsoft ATR
Date: 1/15/02 12:51pm
Subject: Opinion regarding the microsoft settlement

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Dear Sir or Madam,

I'm an American citizen overseas and I would like to express my concern about the recent Microsoft decision. I was greatly disturbed about the appearance of "injustice" that it embodies. I don't think that a convicted monopolist with a long track record of the destruction of highly innovative companies can be left virtually untouched. In many ways, this company now exerts more influence than the US government in economic terms both nationally and internationally and, rulings that allow the continued misbehavior of this confirmed monopolist, in my view, represent a real threat to our national economic welfare and our democracy. In fact, I just don't understand how this ruling has emerged from the most respected justice body in the world - although I didn't agree with the previous manner of Judge Jackson's ruling (content aside), the present situation appears to be wholly unjust to an industry that is the very essence of innovation in America and who's strength has been built upon the emergence of thousands small innovative companies over the last 20 to 30 years. I agree wholeheartedly with the economist J Shumpeter who believed that the health of a nation's economy and its economic future is based upon innovation - and that the purpose of profit is to pay for "creative destruction" - the cost of innovation. Take a look at the US computer industry - is this not an example of Shumpeter's views in the purest sense? Is this not the primary reason for the success of the US economy during the last 20-years?

Microsoft now totally dominates the desktop market in both operating systems and applications software, it dominates the hardware industry through this means, it holds a very strong position in the server market. It has done this by the elimination of competition at every possible opportunity - by leveraging dominance of the operating system. This is a fact that can be illustrated in repeated instances; IBM, Lotus, Netscape and Apple being just four examples, shall I go on? The next step for them, and the objective of their .net strategy, is to take over the internet, and place gateways for every user of the internet. This can easily be done by dominating the desktop market with Windows XP, with its raw sockets, and introducing a new MS standard MS TCP/IP protocol for the control of data transmission in the guise of greater security. Who can fight this when Microsoft controls the software on more than 90 percent of the desktop machines? And it can be done in an invisible way, so that the average consumer and the US government will not even notice - until it is too late, just like Lotus, Apple, Netscape, and others. The additional strategy that they are seeking, is to use the patent system and their legal muscle to control the Open Source Software development movement, which now is the only real threat (following the DOJ decision) that remains. If Microsoft is successful in these two ways, then the US government will definitely be relegated to a second class status and will become a virtual, economic fiefdom of the Microsoft Corporation. Can you imagine that the most important aspect of the information age in the United States, the internet, it's software, hardware and income will be totally dominated by one company? Incidentally, the internet, don't forget, was created by the Department of Defense and the UNIX world, federal government and University research agencies, not commercial entities.

The American economic system has long been based upon the idea of creating a level playing field for small businesses. This was a major concern at the time of the American revolution; many experts would say that the American revolution was a battle of the small business economic model (America) against the control of a government Mercantile system (giant global British trading companies). The American economic system maintained a relatively healthy balance until the emergence of the "robber barons" of the late 1800's, which led to the current anti-trust laws that we have today, implemented under Woodrow Wilson. I am not a socialist nor am I a pure capitalist, but I do believe that one role of the government and that of the Justice Department in economics is to ensure a level playing field for all participants. Otherwise the entire economic system becomes skewed, such that we create a few extremely wealthy individuals and then everyone else. This is not a healthy development for any democracy; especially the greatest and most successful democracy in history.

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How about some analogies to the original antitrust legislation of the previous turn of the century (1900) - the "robber barons" were largely the rail tycoons. They controlled the railroad networks and the machines that ran them, allowing them to control interstate trade. In the present turn of the century, Microsoft represents the same threat in the information age, where they control the machines (read desktop computers) and now want to control the "tracks" (read internet). Is there any real difference? Not hardly. The stakes are much greater - because it is then just one small step to the control of information. And we all know how democracy is undermined by placing the control of information in the hands of one entity, be it a person, political party or company. Look at Hitler's Germany, Stalin's Russia - in the future will we say Microsoft's America? If there is to be control of information (and I'm not arguing that there should), then it should at least be of the people and for the people - in other words, a (frequently) elected body - not a private individual, one person or one company. That's the way democracies work.

As I said, I am not a socialist nor am I a laissez-faire capitalist; this email is being written on Microsoft software on my laptop; I use Linux software on my desktop at home, and we utilize a mixture of Microsoft and Linux in our office network. I see advantages and disadvantages in all systems. But the development of competition has not come from other commercial entities to Microsoft, because these would soon perish. The competition has come from a grass-roots volunteer effort, of thousands of developers from around the world, working through the internet on common problems and common projects without financial compensation - rather, for the pure purpose of making computer software that is based upon a common and open standard, has freely available source code, is free to use and is technically the best that it can be. I have no doubt that Microsoft wishes to destroy this movement, as their recent public statements about open source software licensing will testify.

What are other countries doing? The EU recognizes the danger that Microsoft poses, and has their own "anti-trust" action underway. In Asia, enormous support is being given to open source software. China is basing their national software industry on government-supported Linux systems. Japan is a significant supporter and Korea has just announced the installation of Linux for some 120,000 government employees. India is supporting both commercial and open source software. I have read that our own government is moving to open source solutions in many areas - let's not let our legal system destroy this valuable economic development.

I don't know what the correct solution is; I am not so naive as to think that this is all a one-sided situation; and I personally don't like to see any successful company penalized for that success. Nor do I like to see private, open source development destroyed by a financial power of a monopolist. The solution, perhaps, is not the present one, nor is it the previous decision of Judge Jackson. It lies elsewhere, and should be subjected to further study by technical experts. It's worth taking more time in this one - this threatens our democracy, our way of life and our economic welfare.

Just like railroads, telecommunications, power, etc, there comes a time when the government must step in and protect the economic welfare of its citizens and the economic future of the nation. Allowing such a monopolist as Microsoft to continue to operate virtually unfettered is the wrong thing to do for the computer industry and for our democracy.

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